Clarity, Consistency and Accountability – Closing the Mental Health Gaps in Higher Education

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Just another day?

The LEARN Network

- The LEARN (Lived Experience for Action Right Now) Network is a community of bereaved families seeking meaning from our loss by taking action to prevent future deaths.
- We use our lived experience to influence change, through involvement locally and nationally in institutions, with organisations involved in suicide prevention and with government, notably through HEMHIT, the DfE's Higher Education Mental Health Implementation Taskforce.
- Find out more, join us or support our work at: **https://www.thelearnnetwork.org.uk/**

Closed petition

Create statutory legal duty of care for students in Higher Education

No general statutory duty of care exists in HE. Yet, a duty of care is owed to students, and the Government should legislate for this. HE providers should know what their duty is. Students must know what they can expect. Parents expect their children to be safe at university.

More details

This petition is closed

All petitions run for 6 months

128,292 signatures

The Debate:
https://www.youtube.com/watch?v=XHwbEG7Oi-E

The Government Response:

Higher Education providers already have a general duty of care not to cause harm to their students through their own actions.

Common themes	What difference would a statutory duty of care make?
Misplaced data protection concerns:	
1) not informing emergency/trusted contacts in life threatening situations, regardless of whether permission exists. 2) poor or delayed information sharing across depts, e.g. student services and academic - problems not picked up on early.	A duty of care would require a university, and its various different departments, to share appropriate information across departments and with trusted contacts where the sharing is reasonably likely to prevent student harm.
3) campus GP has vital info on mental health but not passed on to student services - permission to share not requested. 4) parents/girlfriends/friends/flatmates notifying serious concerns fobbed off - no process in place to act on or record a concern. 5) delays taking action because right to privacy/confidentiality is seen as more important than safety, e.g. getting access to student room where there is serious cause for concern.	information sharing should ensure that the right person has access to the rights information at the right time. Where appropriate permission is sought to share sensitive personal information, if doing so will prevent harm.
Poor/incompetent practice:	
1) dismissing a student without meeting them. 2) sending out the wrong exam results – not reviewed by tutor. 3) underestimating importance of transitions – no support processes for return to study after leave of absence for mental health issues. 4) not considering reasonable adjustments.	A duty of care would require universities to consider the reasonably foreseeable mental health impact of the way they deliver academic and pastoral services (including delivery of exam and course results) and take measures to mitigate the risk of harm.
5) minimal support for flatmates/staff after suicide or attempts, ignorance of postvention guidance.	All university policies should be risk assessed to consider any potential harm that could arise from the policy.
6) assigning insufficiently trained peers/postgraduates to support students instead of qualified support staff. 7) rigid adherence to process e.g. extenuating circumstance forms not incorporating issues e.g. family bereavement, missed deadlines due to tech/upload failure.	A duty of care will require universities to take proactive steps to implement technology that is fit for purpose in enabling academic and pastoral service.

Common themes	Statutory duty of care
Not learning lessons, no culture of improvement – leadership failure: 1) lack of accountability means lessons not learned - e.g. suicide not properly investigated, processes not reviewed/improved for future students, staff left unclear. 2) not engaging with families - arms' length approach. 3) not implementing Coroners' recommendations (PFD) from student suicide cases. 4) tendency to be reactive to crises instead of focusing on prevention 5) poor 'postvention'.	A duty of care would require universities to regularly review and update their protocols, procedures and practice - and to take into account any new learning and guidance. Risk assessments, including serious incident reports, will inform training of staff and administrators and students on how to respond to and mitigate mental health injury to students.
Lack of training of staff on mental health issues: 1) when a 'fitness to study' note was sent to the university following return from a mental health intermission, it was only sent to the admin/finance dept to process fees, no action was taken to reasonably adjust the return with regard to mental health. 2) Individual tutors who pick up on signs of mental health difficulty don't know who to report it to or what to do. 3) Academic staff tend to prioritise the formal processes around a student seeking extenuating circumstances instead of reaching out to the student and support services. 4) Staff will refuse even to confirm attendance on the basis that they are prohibited by GDPR or other privacy constraints.	A duty of care will require universities to identify and provide and appropriate level of training for staff appropriate to the role they need to perform. It will also explain that risk of mental health or physical injury is a risk that may override privacy considerations. The training goes hand in hand with the universities' risk assessment on their processes, and can be informed and improved as lessons are learned.
Not intervening – no culture of prevention: 1) not following up consistently on signs of serious disengagement with study – e.g., poor attendance, missed deadlines. 2) no clear handover process between support services/academic dept 3) email-only communication, issuing formal letters escalating to dismissal when no response received instead of raising a concern with support services.	A duty of care will require universities to take reasonable proactive steps to prevent injury, where harm is reasonably foreseeable. The duty is no more onerous than the duty they already owe to their staff under employment law.

THE LEARN NETWORK