

London, United Kingdom - 2.00 pm on Monday 17 July 2023

## High Court Judgment: UCL fails in attempt to force students into complaint procedures

**Judge rejects UCL's attempt to force students to go through UCL's internal complaints procedures and then complain to the OIA ombudsman before continuing their claim in court**

**Student Group Claim now helping c. 120,000 students seek compensation from 100+ universities**

- The High Court today handed down a case management judgment in the first Student Group Claim court action, *David Hamon & Others v University College London*.
- The defendant university, UCL, had said that the proceedings should not be allowed to go ahead “*unless and until*” students first completed UCL’s own internal complaints procedures, and if that failed, the OIA ombudsman process.
- The judge rejected UCL’s attempt to mandate such an approach, noting: “*some of the Claimants’ concerns about the OIA [ombudsman] scheme are valid ...*” and raising concern “*whether UCL and the OIA have sufficient resources to deal with this volume of complaints*”.
- Students’ claims against UCL can now continue in court without them first being required to pursue an OIA complaint. The judge encouraged UCL to try to settle the claim and has paused the proceedings for a fixed period for that purpose. If the claims are not settled during that period, they will proceed to trial.
- Student Group Claim had been asking UCL to enter into alternative dispute resolution procedures, such as without prejudice settlement meetings, for more than a year but UCL has refused, instead insisting that students use its internal complaints procedure and complete the OIA process. Today’s ruling makes clear that UCL must abandon that inflexible position.
- The decision comes as Student Group Claim helps 120,000 current and former students seek thousands of pounds each in compensation from more than 100 universities for COVID and strike-related disruption.

Between 2018 and 2022 millions of students paid between £9,250 and £40,000 a year for lessons that were cancelled or moved online and restricted access to campus facilities as a result of COVID and strike-related disruption.

Approximately 120,000 students have now instructed law firms Harcus Parker and Asserson via the website [StudentGroupClaim.co.uk](https://StudentGroupClaim.co.uk) to seek compensation from their UK universities.

Thousands more students are expected to join the Student Group Claim as it progresses; the total value of compensation could reach into the hundreds of millions of pounds.

The legal team acting for nearly 5,000 current and former UCL students attended the High Court on 24 May 2023 to defend their clients' rights to sue their university for breach of contract in court.

UCL had asked the court to block the claims indefinitely until students first completed an internal UCL complaint and then, if it failed to resolve the matter, a complaint to the Office of the Independent Adjudicator (OIA), an industry ombudsman. UCL's solicitors said that the claim should not be allowed to proceed "*unless and until the OIA's statutory complaints process has run its course and has been unable to resolve the complaints*". Their barrister said that:

*"the proceedings brought by the Claimants ought to be stayed to allow them time to ... pursue the statutory-backed ADR process described above [i.e. a complaint to UCL and then to the OIA]. Only if that process does not resolve the claims should the stay be lifted."*

The students argued that forcing them to go through the UCL internal procedure and the OIA process before being allowed into court would breach their human right to access justice, and raised serious concerns about the ability of UCL's internal complaints team and the OIA to handle their claims.

In today's ruling the judge, Senior Master Fontaine, rejected UCL's proposed way forward, and concluded that "*some of the Claimants' concerns about the OIA scheme are valid*", making these points:

- Based on its previous decisions, the OIA's likely approach would be "*to assess whether UCL acted reasonably in relation to the challenges of strike action and the Covid pandemic*". This was the wrong approach, said the judge: "*There does not seem to have been any consideration [by the OIA] as to whether it was reasonable for UCL to do so without providing an adjustment to the fees charged for the period of on-line teaching and where there was no physical access to resources*" (emphasis in original).
- The judge questioned "*whether UCL and the OIA have sufficient resources to deal with this volume of complaints*". She also commented: "*There has been no detailed information from UCL as to how they and the OIA would plan to deal with a large volume of complaints ... The OIA's 2022 annual report is also not encouraging, as it shows that it has never dealt with this level of complaints before.*"

The judge has stayed (paused) the claim for eight months to give the parties time to seek to settle the claims through mediation or other means, but she gave permission for either side to ask the court to cut the stay short after four months if progress is not being made on settlement talks. If the claims are not settled, they will continue onwards to trial.

Alongside the claim against UCL, similar claims are being prepared against more than 100 other UK universities. To date 17 other UK universities have been sent Letters Before Action, including LSE, King’s College London, Imperial College London and the Universities of Manchester, Leeds, Birmingham, Warwick and Cardiff.

If successful at trial, it is anticipated that current and former UK-resident undergraduates who were at university during the pandemic could win compensation in the region of £5,000 each, with significantly higher sums expected to be awarded to graduate and international students, who tend to pay higher fees.

<p><b>Shimon Goldwater</b>, solicitor to Student Group Claim (partner at Asserson) comments:</p> <p><i>“This is an important ruling in which the judge recognised the key issues in this claim and their unsuitability to be determined by the OIA ombudsman, as UCL had proposed.</i></p> <p><i>UCL must finally take responsibility for the disruption caused to its students during the lecturers’ strikes and the Covid-19 pandemic.</i></p> <p><i>We are hopeful that UCL will now engage constructively in settlement discussions as students have been proposing for many months so that compensation payable to students can be agreed, rather than having to be decided in court.</i></p> <p><i>Anyone who was at university during the pandemic should join Student Group Claim now if they want to benefit from any settlement we may reach with UCL and other universities over the coming months.”</i></p>	<p><b>Ryan Dunleavy</b>, solicitor to Student Group Claim (partner at Harcus Parker) comments:</p> <p><i>“The Claimants and their legal team will be delighted if UCL now does a volte-face and agrees to pay the students fair compensation, following settlement negotiations through appropriate alternative dispute resolution.</i></p> <p><i>This judgment could be of great benefit in speeding up resolution of this matter. We have been chasing UCL in writing for more than a year to join us in appropriate settlement talks, which we do not think should be via UCL’s own internal complaints procedure. It is good that the court has prompted UCL to join us in alternative procedures.</i></p> <p><i>If the claims are not settled, they will proceed to trial. The students’ argument that they had a right to access the court system has been vindicated.”</i></p>
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-ENDS-

**Notes to Editors**

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*About Student Group Claim*

Leading solicitors Asserson and Harcus Parker have teamed together to help affected claimants recover fair financial compensation of thousands of pounds each from their universities through no win, no fee group court claims.

The claims are for breach of contract. Universities entered contracts with students promising to provide teaching and access to facilities, but during Covid and strike action by staff, universities did not provide those services in full. Students are therefore entitled to compensation for the difference in value between the services promised and the services actually provided.

So far, around 120,000 current and former students have signed up to bring claims via the [Student Group Claim website](http://www.StudentGroupClaim.co.uk) (up from 20,000 in October 2022), with more signing up every day. The claim covers those who studied in the academic years 2017-18, 2019-20, 2020-21 and/or 2021-22.

Following the commencement of litigation against UCL in April 2022, on 19 October 2022 Letters Before Action were sent to a further 17 universities, pursuing similar claims - namely the universities of Birmingham, Bristol, Cardiff, Coventry, Leeds, Liverpool, Manchester, Newcastle, Nottingham, Sheffield, Warwick, LSE, Imperial, King’s College London, Queen Mary’s, City University and University of the Arts London.

Unlike students, universities thrived financially during the Covid period and can afford to meet their legal obligations and make good their students’ losses. Many increased their income from student fees over the pandemic and boosted their savings, in some cases receiving millions of pounds in Government furlough payments. The 18 universities being challenged earned a surplus (i.e., profits) of more than £1 billion during the 2020-21 financial year and collectively hold more than £16.3 billion in net assets.

For more information on Student Group Claim see the website: [www.StudentGroupClaim.co.uk](http://www.StudentGroupClaim.co.uk)

About Harcus Parker	About Asserson
<ul style="list-style-type: none"> <li>- Harcus Parker is a commercial litigation firm that specialises in bringing and defending complex claims, usually involving large groups of claimants.</li> <li>- The team has a strong track record of delivering successful outcomes for groups of consumers, institutional investors and private individuals.</li> <li>- The firm is a recognised market leader in group litigation, case management and litigation funding.</li> <li>- Some of the firm’s most famous cases include the Lloyds / HBOS acquisition case, The Tesco Equal Pay Claim and The VW Emissions Action.</li> </ul>	<ul style="list-style-type: none"> <li>- Asserson is a prize-winning firm of solicitors specialising in complex commercial dispute resolution with a proven track record of getting excellent results for its clients.</li> <li>- The firm acted for a group of solar energy companies in which the claimants won c. £60 million from the UK Government. At the time, this win was the largest ever Human Rights Act settlement against the UK Government.</li> </ul>