

Written evidence submitted by Stuart Lawson (Birkbeck, University of London) to the Higher Education and Research Bill Committee

1. In this evidence I am writing in two capacities: as a mature postgraduate student who has retrained professionally by studying part-time, and as a researcher in the area of higher education policy. I am currently a PhD student at Birkbeck, University of London in the Department of English and Humanities where my primary research area is open access policy.

2. I support many of the points raised by the Open University in their evidence about part-time and mature students,¹ and the important issue of student representation in the Office for Students has been widely commented upon. So rather than duplicate them, I will concentrate my remarks on those aspects of the Bill in Part 3 which relate to research policy and academic freedom.

Open access & open data

3. Open access to research means that research outputs are published freely online so that anyone can read them without needing to pay at the point of use. Several million journal articles have now been published as open access,² and the fact that open access articles generate more citations³ means that there is a strong reputational advantage for those who move quickly in this area.

4. The UK government has been supporting open access to publicly-funded research outputs for some time and the recent Tickell report⁴ confirmed that good progress is being made. While RCUK and HEFCE have been independently supporting open access with their own policies, this Bill provides opportunity to provide a strong legislative backing for open access without interfering with the policies of the Research Councils or HEFCE/Research England.

5. I propose amending clause 85 to include provision for open access to publicly-funded research publications. The recent French open access law⁵ provides a useful model for one approach to achieve this, as it provides researchers with legal *permission* to publish and archive openly-licensed copies of their work rather than requiring them to do so. Legislating for a copyright exemption in this way would enable universities to make all taxpayer-funded research articles available and raise the visibility and impact of the UK's researchers.

6. A complementary endeavour to open access is that of making the underlying research data open. If an open access clause is considered for the Bill, then including open data as well would extend the benefits of transparency even further.

1 <http://www.publications.parliament.uk/pa/cm201617/cmpublic/HigherEducationandResearch/memo/HERB13.htm>

2 Over 2.3 million articles are currently listed in the Directory of Open Access Journals (<https://doaj.org/>).

3 See http://sparceurope.org/oaca_table/ for a list of studies on this topic.

4 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/499455/ind-16-3-open-access-report.pdf

5 <https://www.openaire.eu/france-final-text-of-the-law-for-oa-has-been-adopted>

Postgraduate training

7. Postgraduate research is a cornerstone of the UK's higher education sector. At present, the Bill does not specifically mention support for postgraduate research students, although it may be implied by clauses such as 85(1)(b) and 85(1)(c). The evidence provided by both Universities UK and UCL's Vice-Provost (Research) shares my concern on this issue.⁶ I propose amending clause 85(1) to insert a new section after section (c) to make explicit UKRI's responsibility to provide for postgraduate research education and training. The remarks made by the Minister for Universities, Science, Research and Innovation in fifth committee meeting on 13 September are welcome but more reassurance is still needed.

Research Councils

8. The breadth and scope of the Research Councils plays a vital role in ensuring the UK maintains high quality research across all disciplines. The Bill at the moment gives the Secretary of State power to alter the scope or dissolve individual councils through statutory instruments. Despite the statement by the UKRI chair Dr John Kingman,⁷ the clause concentrates too much power over the ability for the UK research community to pursue all appropriate avenues of knowledge. The potential to remove Research Council funding from certain areas – such as the humanities – could potentially act as a curb on academic freedom.

9. Therefore I support the proposal of GuildHE to include humanities in clause 85(1)(c),⁸ in order to alleviate concerns that the humanities are not fully represented in the spirit of this Bill. I also support the Royal Society's suggestion⁹ to require the Secretary of State to consult with the research community before making any changes. The most important safeguard to maintaining adequate funding for research in all areas is to require the approval of Parliament and the support of the research community before removing any subject area from the Research Councils.

Dual funding

10. The Bill enshrines dual funding in the legislation. This is admirable but the wording is somewhat vague and could be strengthened by amending clause 95 to provide more specific guidance to the Secretary of State on what a 'reasonable balance' consists of. I share the concerns of *Research in their submitted evidence¹⁰ regarding tying research funding to economic growth, and those of Dr Stroschein in their remarks about academic freedom.¹¹ If further clarity was given with regards to the dual support system, the research community would be more confident that their interests are being upheld.

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6 <http://www.publications.parliament.uk/pa/cm201617/cmpublic/HigherEducationandResearch/memo/HERB06.pdf> &

7 [https://hansard.parliament.uk/commons/2016-09-06/debates/7d4373c4-7137-4ef1-bece-3c93d9b55682/HigherEducationAndResearchBill\(SecondSitting\)#contribution-16090654000283](https://hansard.parliament.uk/commons/2016-09-06/debates/7d4373c4-7137-4ef1-bece-3c93d9b55682/HigherEducationAndResearchBill(SecondSitting)#contribution-16090654000283) & [https://hansard.parliament.uk/commons/2016-09-06/debates/7d4373c4-7137-4ef1-bece-3c93d9b55682/HigherEducationAndResearchBill\(SecondSitting\)#contribution-16090654000285](https://hansard.parliament.uk/commons/2016-09-06/debates/7d4373c4-7137-4ef1-bece-3c93d9b55682/HigherEducationAndResearchBill(SecondSitting)#contribution-16090654000285)

8 <http://www.publications.parliament.uk/pa/cm201617/cmpublic/HigherEducationandResearch/memo/HERB11.htm>

9 <http://www.publications.parliament.uk/pa/cm201617/cmpublic/HigherEducationandResearch/memo/HERB31.pdf>

10 <http://www.publications.parliament.uk/pa/cm201617/cmpublic/HigherEducationandResearch/memo/HERB04.htm>

11 <http://www.publications.parliament.uk/pa/cm201617/cmpublic/HigherEducationandResearch/memo/HERB25.pdf>